

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CAUSE NO.: 2:15-cr-96-JTM-JEM |
| |) | |
| RICHARD BALDERAS, |) | |
| Defendant. |) | |

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT RICHARD BALDERAS**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT

Upon Defendant Richard Balderas's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge John E. Martin on April 26, 2016, with the consent of Defendant Balderas, counsel for Defendant Balderas, and counsel for the United States of America.

The hearing on Defendant Balderas's plea of guilty was in full compliance with Federal Rule of Criminal Procedure 11 before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Balderas under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Balderas,

I **FIND** as follows:

(1) that Defendant Balderas understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Balderas understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his

right against compelled self-incrimination;

(3) that Defendant Balderas understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Balderas understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Balderas has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Balderas is competent to plead guilty;

(6) that Defendant Balderas understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Balderas's plea; and further,

I **RECOMMEND** that the Court accept Richard Balderas's plea of guilty to the offense charged in Count 1 of the Indictment and that Defendant Balderas be adjudged guilty of the offense charged in Count 1 of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Balderas be adjudged guilty, sentencing before Senior Judge James T. Moody will be set at a later date by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. *See* 28 U.S.C. § 636(b)(1).

So ORDERED this 26th day of April, 2016.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable James T. Moody